



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING December 20, 2012

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 20th of December, 2012 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska. Which meeting was postponed from December 19, 2012.

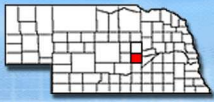
Chairman Terry Spilinek called the meeting to order at 7:00 P.M. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Ron Kulwicki, Dave Sack, Jack Reimers, Terry Spilinek, Jeff Christensen, Lauren Scarborough and Ken Kozisek. Those absent were: Daryl Anderson and Randy Kauk. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klinginsmith, Acting Secretary. The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and 2nd By Ken Kozisek to approve the minutes of the November 14, 2012 meeting. The motion carried on unanimous voice vote.

Old business: None

At 7:05 P.M. the first item on the Agenda was a Single Lot Subdivision Application by Milton Nesiba, named the **Nesiba Subdivision** in the SE $\frac{1}{4}$ of Section 3-14-12W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Barbara Wroblewski was present for the board to answer any questions. Barbara explained the owner is selling off the rest of the Quarter but reserving the building site. There is an easement to access 12th Avenue. They currently have utility easement for this parcel of 9.09 acres, and Barbara may want to add that to the Deed. No one was present to oppose the subdivision. A motion was made by Dave Sack and 2nd by Ron Kulwicki to approve the application. A roll call vote was taken. The motion carried 7-0. A Finding of Fact was completed. (See Attached.)

At 7:15 P.M. Terry opened the Public Hearing for the **Brian Poland application to change zoning from A-2 to C-S** located on the part of the SE $\frac{1}{4}$ of Section 6-13-9W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Brian Poland was present for hearing. Brian explained he currently owns a business called B.P. Oil where he has cased goods on pallet brought in by semi's about 5-7 times a week; they unload and sometimes reload and ship back out. I purchased the Mr. Bolton property and since the large building was already there, I wanted to enlarge the building and have my warehouse there so I would be able to walk to work and spend more time with my family. I know there are concerns with bulk oil; however I will not have any large bulk containers on my property. I checked with DEQ and it doesn't apply to my situation. I have checked with the State Fire Marshall and I meet their criteria and their standards. Don Nealon was present to oppose the application and asked if he has talked to EPA, Fire Department, Road Department, and asked what are his plans if truck tips over, as well as our water table is low in that area.



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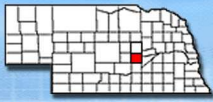
Also felt not everyone was informed. Administrator Trumler explained all adjoining neighbors were informed with a notification of Public Hearing. Nebraska state law requires 300 feet/or adjoining land owners to be notified. Brian Poland's rebuttal said he understands the concerns of neighbors and it is more likely that only 1 truck a day max would be traveling along that gravel road. The Public Hearing was closed. The board members had discussions and clarified this is not spot zoning, due to this is in A-2, and looking at the regulations discussed tabling this hearing. The Zoning Board member Dave Sack left the meeting. A motion was made by Lauren Scarborough and 2nd by Jeff Christensen to table this application until our next meeting. A roll call vote was taken. The motion carried 6-0.

At 8:10 P.M. Terry Spilinek opened the Public Hearing for **B.P. Oil Subdivision** in the SE $\frac{1}{4}$ of Section 6-13-9W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. A motion was made by Lauren Scarborough and 2nd by Ron Kulwicki to table this application until our next meeting. A roll call vote was taken. The motion carried 6-0.

At 8:15 P.M. the Chairman opened the Public Hearing for **Kay Meyer application to change Zoning from I-2 to A-2** located on the SW $\frac{1}{4}$ of Section 27-15-10W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. The Meyers were not present for the hearing. No one was present in favor or to oppose the application. A motion was made by Ron Kulwicki and 2nd by Ken Kozisek to approve the application. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached.)

At 8:20 P.M. the Public Hearing for the **Fred & Kay Meyer Subdivision** Application was opened. This Single Lot Subdivision is located in the SW $\frac{1}{4}$ of Section 27-15-10 W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. The Meyers were not present for the hearing. Administrator Trumler stated this is a legal subdivision and meets all the criteria. A motion was made by Jeff Christensen and 2nd by Jack Reimers to approve the application. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached.)

At 8:25 the next item on the agenda was a Single Lot Subdivision Application by Michael Toukan, named the **Ray of Sunshine Estates Subdivision** in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36-14-9W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. Darcy Ray was present for the board to answer any questions. Administrator Trumler explained this subdivision is on the Merrick County line, it is a legal subdivision. We have received a letter from Merrick County Road Superintendent that they will take care of the low maintenance road, however until we receive a letter from their commission board agreeing with this, the Howard County Zoning office will not issue a Zoning/Building Permit. Darcy let the board know this is an 80 acre parcel, no building site there currently. A motion was



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made by Ken Kozisek and 2nd by Jeff Christensen to approve the application. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached.)

At 8:30 P.M. the chairman opened the Public Hearing for **Zoning Regulations** was opened. Items discussed were Administrative Conditional Use Permits for Stock Piling and Fines as well as Road dedications. A motion was made by Jack Reimers and 2nd by Ken Kozisek to approve the road dedication changes on page 214 Section 6 and page 224 #3 a, as proposed. A roll call vote was taken. The motion carried 6-0. A motion by Jeff Christensen and 2nd by Ron Kulwicki to adopt the proposed changes on pages 89, 93, 111, & 114 of limiting 30 days of stockpiling to our regulations, and suggested a \$100.00 fine per day for the commissioners to review. A roll call vote was taken. The motion carried 6-0.

At 8:55 P.M. the final item on the agenda was a Single Lot Subdivision Application by Ken & Nancy Christensen, named the **Aarons Subdivision** in the E ½ SE ¼ of Section 2-13-12W of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Public Hearing. Proof of Publication is filed in the Howard County Clerk's office. No one was present for discussion. Administrator Trumler explained the residence is already there and meets zoning requirements. A motion was made by Jeff Christensen and 2nd by Jack Reimers to approve the application. A roll call vote was taken. The motion carried 6-0. A Finding of Fact was completed. (See Attached.)

At 9:05 a motion was made by Jeff Christensen and 2nd by Ken Kozisek to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for January 16, 2013.

Cherri Klinginsmith, Acting Secretary